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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,964	12/21/2001	Mark A. Baloga	076507-0421	7993

26371 7590 12/31/2003

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EXAMINER

MCDERMOTT, KEVIN

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,964

Applicant(s)

BALOGA ET AL.

Examiner

Kevin McDermott

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-83 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 57-67 and 69-83 is/are rejected.
- 7) ☒ Claim(s) 68 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1-1/2. 6) ☐ Other: .

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the utility in-feed being a flexible conduit within a recess in the top of the furniture, as claimed in claim 73, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 83 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Specifically, lines 5-6 of amended claim 57 include the subject matter recited in claim 83.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 57, 59, and 71 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. Claims 58-69, 77, 78, and 83 are also rejected due to their dependence on claim 57.

Regarding claim 57, line 5 recites "the article of furniture". There is insufficient antecedent basis for this limitation in the claim. Examiner interpreted this to be the furniture element.

Regarding claim 59, lines 1-2 recite "can be associated". This language is indefinite. It is not clear how are these features related?

Regarding claim 71, line 2 recites "associated". This language is vague. How are the canopy and light fixtures related?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 57-60, 67, 69, 77, 77, and 83 as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellwig (U.S. Patent No. 6,076,317) in view of Larouche.

Regarding claim 57 as best understood, Hellwig discloses in figures 1-3 and in column 1, line 1 to column 5, line 54, a frame based office panel in combination with bridge arrangements for defining a work station. Column 2, line 65 to column 3, line 16 discloses a series of office panels 4 connected in an end to end manner forming a spline 5 to which bridge arrangements 6 or other office panels can extend in a

perpendicular or angled manner. The bridge arrangements 6 extend at an angle from the spline 5 and define a series of work stations. The bridge arrangements 6 can be connected to an office panel 4 at any point along the length of the office panel. Column 3, lines 39-41 disclose the bridge arrangement 6 including an extension or floor engaging column member 50 at the free end of the rectangular partition 30. Column 4, line 53 to column 5, line 12, discloses a wiring trough 100 secured to the lower edge of the bridge member 6 for receiving the communication or electrical wiring generally indicated as 104 in Fig. 5. This facilitates a normal electrical connection with a receptacle of the office panel 6 either interior to the office panel, or along an appropriate surface thereof. The wiring for the equipment supported on work surface 9 is placed in the casual wiring trough 100 attached to a bridge 6. The spline 5 of office panels 4 is the claimed furniture, the bridge arrangement 6 is the claimed utility beam movably attached to the office panels 4, the floor engaging column member 50 is the claimed utility access extension, and the cavities formed by the members 60, 62 are utility delivery zones. Because the trough 100 extends for the length of the bridge 6 from the panels 4 to the member 50 it is configured to supply utilities to the utility delivery zone.

However, Hellwig does not disclose a top element or section 14 carrying utilities into a workspace.

Larouche discloses in figure 1 and in column 8, lines 6-22, supplying plynthes 63 with power through columns 67. Columns 67 permit connection of various plugs and connectors extending along the length of each plynthe 63 to the telephone network or the electric network, through a plurality of supply wires 69 that can be easily passed

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through the ceiling. Passing telephone and electrical wires through the column and ceiling constitutes routing these utilities at or above the top section 14 of the panels 4.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the arrangement of Hellwig so that the utilities entered the workspace from the ceiling and into the top element 14 of panels 4.

One of ordinary skill would have been motivated to make such a modification to provide telephone and electrical utilities to the panels very easily, because it avoids installing directly onto the floor a plurality of wires always difficult to hide and which generally can only be connected by a specialized labour.

Regarding claim 58 as best understood, the office panels 4 constitute the claimed predetermined path and the bridge arrangements 6 can be connected to the panels 4 at any point.

Regarding claim 59 as best understood, the bridge arrangement 6 of Hellwig is associated with work stations located on either side of the bridge 6.

Regarding claim 60 as best understood, the bridge arrangements 6 are moved from a position, considered a stowed position, to a deployed position where they are connected to panels 4.

Regarding claim 67 as best understood, the bridge 6 and the member 50 form an L-shaped frame.

Regarding claim 69 as best understood, the member 50 is located at a lateral distance outboard of the spline 5.

Regarding claims 77 and 78 as best understood, the cavities formed by the members 60, 62 are the utility delivery zones. These cavities are both on and in the member 50.

Claims 61-66 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellwig (U.S. Patent No. 6,076,317) in view of Larouche and further in view of Verbeek and Borgerson.

Regarding claims 61-66 as best understood, the disclosures of Hellwig and Larouche are discussed above. However, neither Hellwig nor Larouche discloses the bridge 6 being configured for sliding movement along the spline 5 and the member 50 configured for rolling movement.

Verbeek discloses in figures 1-6 and in column 2, lines 46-57, a privacy screen 10 slidably connected to a panel 4. Verbeek also discloses a cover 72 having outer slide 60 fixed thereto. The cover 72 and outer slide 60 are considered to be a horizontal rail mounted on the panel 5 and the other slides (i.e. the inner slide 56, and the intermediate slide 58) engage the outer slide 60. The inter-related slides 56, 58, 60 are interpreted as constituting a track.

Borgerson discloses in figures 1 and 2, a cabinet 10 supported on a track horizontally mounted on a wall 12 and the cabinet 10 having casters 29, 30. The casters 29, 30 are vertically adjustable as disclosed in column 3, lines 40-42.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bridge arrangement 6 of Hellwig so that it is

configured for sliding movement along the spline 5 and to modify the member 50 to have vertically adjustable casters.

One of ordinary skill would modify the bridge arrangement 6 to slide along the spline 5 to provide a simple method to move the bridge arrangement along the spline 5.

One of ordinary skill would modify the member 50 to have vertically adjustable casters to easily roll the member 50 on a floor. The casters would then be vertically shortened and the height adjustable glides 56 could be vertically adjusted to support the member 50.

Claims 70, 72, and 74-76, and claim 71 as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellwig (U.S. Patent No. 6,076,317) in view of Larouche and further in view of Hellwig (U.S. Patent No. 5,241,796).

The disclosures of Hellwig (U.S. Patent No. 6,076,317) and Larouche are discussed above. As discussed above, Hellwig discloses the floor engaging member 50 and the bridge panels 6 connected to office panels/walls 4. Because member 50 engages the floor and the bridge panel 6 is connected to and supported by the panel/wall 4, the arrangement of Hellwig is floor supported and wall supported. Additionally, as noted above regarding Larouche's disclosure, passing telephone and electrical wires through the column and ceiling constitutes routing telephone and electrical utilities at or above the top section 14 of the panels 4.

However, neither Hellwig (U.S. Patent No. 6,076,317) nor Larouche disclose mounting a light fixture on the bridge 6 and routing the utilities to the beam 6 at or above the top element 14.

Hellwig (U.S. Patent No. 5,241,796) discloses in figure 1 and in column 4, lines 4-7, mounting a light on a panel, and the light having a shade. The light is a light fixture and the shade is a small canopy.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mount a light having a shade on the bridge 6 of Hellwig (U.S. Patent No. 6,076,317), and to route the utilities to the bridge arrangement/panel/beam 6 at or above the top element 14.

One of ordinary skill would be motivated to make such modifications to focus light on the workspace and to avoid installing wires directly on the floor which are difficult to hide and which generally can only be connected by specialized labor.

Regarding claim 72, the trough 100 of Hellwig (U.S. Patent No. 6,076,317) is the claimed utility in-feed.

Regarding claim 75, Hellwig (U.S. Patent No. 6,076,317) discloses the bridge 6 being positioned at a higher elevation than the bottom of the furniture/spline 5.

Regarding claim 76, the office panels 4 constitute the claimed predetermined path and the bridge arrangements 6 can be connected to the panels 4 at any point.

Claims 79-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hellwig (U.S. Patent No. 6,076,317) in view of Larouche and further in view of Hellwig (U.S. Patent No. 5,241,796).

As discussed above, Hellwig (U.S. Patent No. 6,076,317) discloses cavities formed by the members 60, 62 that are the utility delivery zones. These cavities are both on and in the member 50.

Claim 73 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hellwig (U.S. Patent No. 6,076,317) in view of Larouche and further in view of Hellwig (U.S. Patent No. 5,241,796) and Hellwig (U.S. Patent No. 5,277,007).

The disclosures of Hellwig (U.S. Patent No. 6,076,317), Larouche and Hellwig (U.S. Patent No. 5,241,796) are discussed above. However, neither of these references discloses the utility in-feed being a flexible conduit within a recess in the top of the furniture.

Hellwig (U.S. Patent No. 5,277,007) discloses in figures 1-4 and in column 2, line 62 to column 3, line 58, lay-in wire panels 12 that are preferably always at the top of an office paneling system. The lay-in wire panels 12 at the upper end of the office paneling system define an open passageway into which cables, wires and the like may be placed and removed, and as such, is extremely convenient for retrofit applications which do not require threading of the cables through each of the panels. It is also convenient from the point of view that an existing system may be retrofitted merely by the addition of these lay-in wire panels 12 and, thus, easily accommodate a retrofit requiring the distribution of additional wires and cables.

The lay-in wire panels 12 each comprise an open top channel 24 which receives the cables and the like. The channel is generally "U-shaped" and open at the end of panels frames 22, thereby allowing the lay-in of wires without the threading of wires through ports in the end frames.

Figures 3 and 4 show that cables 50 which can be optical communication wires and cables, can be dropped into the passageway defined by the channel 24. Cables 50 are flexible conduit containing utility wires.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bridge arrangement/panel 6 of Hellwig (U.S. Patent No. 6,076,317) by disposing a channel in the top of the bridge arrangement/panel 6 and disposing flexible utility wires in the channel.

One of ordinary skill would be motivated to make such modifications to conceal utility wires and provide power to a workspace.

Response to Arguments

Applicant's arguments with respect to claims 57-83 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claim 68 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 68, the prior art does not disclose, and it does not appear obvious to modify the prior art to disclose, a utility distribution system having the structural limitations of claim 57 and also having a retractable partition.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kevin McDermott, whose telephone number is 703-308-8266.

A handwritten signature in black ink, appearing to read "Brian Glessner", with a long horizontal flourish extending to the right.

KM 12/12/03

**BRIAN E. GLESSNER
PATENT EXAMINER**